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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TORRES VELAZQUEZ, NORCA LIZ

ART UNIT PAPER NUMBER

1771

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/581,040

Applicant(s)

DE MEYER ET AL.

Examiner

Norca L. Torres-Velazquez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's amendment and arguments filed May 23, 2005 have been fully considered but they are not persuasive.

2. Applicants have amended the claims to overcome the 112 (2) issues stated in the previous office action.

3. Independent claim 42 now claims "said stiffening component being adhered to a textile reinforcement component..." The term "adhere" is defined as to hold fast or stick by or as if by gluing, suction, grasping or fusing. (Merriam-Webster's Collegiate Dictionary, Tenth Edition) With regards to Applicant's argument indicating that the PLONTGES et al. reference fails to teach or suggest the combination of a stiffening component plus a reinforcement layer, it is the Examiner's interpretation that the bonding chain of knitted fabric construction of PLONTGES et al. adhere the two layers of threads (Refer to Col. 1, lines 56 through Col. 2, lines 1-4), of their invention in which one layer provides the stiffening component and the other layer provides the textile reinforcement component.

Therefore, the PLONTGES et al. reference anticipates the presently claimed structure.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 42-45 are rejected under 35 U.S.C. 102(b) as being anticipated by PLONTGES et al. (US 4,857,379).

PLONTGES et al. discloses a sheet like structure of fibers useful as reinforcement. The fabric incorporates plastic yarns in the warp and the weft direction. The yarns consist of a material, e.g. polyester or polyolefin that shrinks under the impact of a temperature below the melting point of the material. After the impact of the heat and the consequent shrinking, the material reassumes its original firmness. (Refer to Abstract, also Column 2, lines 46-61) The reference teaches constructions in which the warp and weft threads are interwoven with each other, and also a construction that includes a knitted fabric construction with a bonding chain holding together two layers of threads. (Column 1, lines 56 through Column 2, lines 1-4) The reference further teaches that threads 1 soften under the action of heat. (Column 3, lines 3-6) PLONTGES et al. further teaches that in a tubular construction the structure has high-tenacity inextensible threads 2 extending in the longitudinal direction of the tube if the component is to be loaded in the direction of its length, while the threads 1 which are extensible under deformation conditions run in the transverse direction. The reverse construction is also possible, for example for a tube, which is loaded by internal pressure. (Column 4, lines 41-49). On Column 5, the table shows the preferred values for the threads employed including the composition and melting points of threads 1, threads 2 and bonding chain 3. It shows that the bonding chain with a higher melting point than threads 2 of the structure. (Also refer to Col. 3, lines 15-31) Therefore, the reference meets the limitation of having the "stiffening" acting as a "stiffener" under normal temperatures.

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It is the Examiner's interpretation that the bonding chain of knitted fabric construction of PLONTGES et al. adhere the two layers of threads (Refer to Col. 1, lines 56 through Col. 2, lines 1-4), of their invention in which one layer provides the stiffening component and the other layer provides the textile reinforcement component. In the preferred values for the threads of the reference, the table shows that the bonding chain is made of polyester yarns with a melting point higher than the polyolefin PP threads 2.

With regards to claim 45, it is noted that the reference further teaches that a plurality of reinforcements can also be employed superimposed on one another. (Col. 4, lines 19-22)

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 571-272-

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1484. The examiner can normally be reached on Monday-Thursday 8:00-5:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Norca L. Torres-Velazquez
Primary Examiner
Art Unit 1771

August 1, 2005